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REMARKS

Claims 1-37 are all the claims presently pending in the application. Claim 17 has been amended for consistency.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-37[1] stand rejected under 35 U.S.C. § 102(a) as being anticipated by Funderburk et al. ("XTABLES: Bridging Relational Technology and XML"). This rejection respectfully is traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention is directed to virtual resources developed independently of actual resources. The virtual resources are customized to a particular audience. The invention includes constructing at least one virtual resource independent of an actual resource, connecting the actual resource to the at least one virtual resource, retrieving the at least one virtual resource, and extracting at least one descriptor from the at least one retrieved virtual resource.

Funderburk et al. discloses a system referred to as "XTABLES." XTABLES automatically maps the schema and data of an underlying relational database system to a low-level default XML view.

The claimed invention, on the other hand, provides a virtual resource that is constructed independently of any actual resource.

II. THE PRIOR ART REJECTION

A.   The Funderburk et al. Reference

The Examiner alleges that Funderburk et al. teaches the claimed invention. Applicant

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[1] The Office action at paragraph 13 on page 6 lists as rejected claims 1-26 and 31-35. Unlisted claims 27-30 and 36-37 are presumed by Applicants to be similarly rejected based on subsequent treatment of the claims in the Office action.

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submits, however, that there are elements of the claimed invention which are neither taught nor suggested by Funderburk et al.

Funderburk et al. discloses XTABLES, a system that <u>automatically maps the schema and data of an underlying relational database system to a low-level default XML view</u>.

The claimed invention, on the other hand, <u>constructs a virtual resource independent of an actual resource</u>.

The Office alleges that Funderburk et al. teaches constructing at least one virtual resource independent of an actual resource. As best understood by Applicants, <u>the Office's reasoning appears to be as follows</u>: XTABLES creates relational tables for storing XML documents. XTABLES shreds XML documents and stores them in rows of the relational tables. XTABLES generates a reconstruction XML view over the created relational tables. The reconstruction XML view is a "virtual" view that is independent of the original XML documents, and thus the Office contends that Funderburk et al. teaches constructing at least one virtual resource (the reconstruction XML view) independent of an actual resource (the original XML documents). <u>Applicants respectfully disagree</u>.

Funderburk et al. does not teach or suggest constructing at least one virtual resource independent of an actual resource, <u>because the reconstruction XML view is not independent of the original XML documents</u>. Instead, the reconstruction XML view development <u>depends</u> directly from the original XML documents.

Thus, Applicants disagree with the statement in lines 1 and 2 on page 5 of the Office action which states that "the XML document view is not driven by the relational data, instead uses XTABLE to create the virtual resource." On the contrary, the XML document view depends directly from the underlying data structure.

More specifically, XTABLES creates relational tables for storing XML documents. XTABLES creates the XML views of "<u>existing</u> relational data…by automatically mapping the schema and data of the underlying relational database system to a low-level default XML view." Users <u>can then</u> "create application-specific XML views on top of the default XML view. See,

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inter alia, page 616, col. 2, first full paragraph.

Thus, Funderburk et al. teaches that the XML views depend on the existing relational data. Funderburk et al. teaches that the XML views are built in a step-wise fashion, with each step being dependent on the previous step, and all of the steps depending directly on the schema and data of the underlying, existing relational data. The Office has not shown, nor can it establish *prima facie* based on the disclosure, that Funderburk et al. anticipates constructing at least one virtual resource <u>independent</u> of an actual resource.

Funderburk et al. does not disclose or even remotely suggest that the XTABLES can construct XML views <u>independent</u> of an actual resource. Funderburk et al. does not teach an XML view independent of an actual resource. Applicants urge that XTABLES simply provides a conversion (a bridge) from one representation (relational database and relational database queries) to another (XML and XML queries).

Indeed, Funderburk et al. states in the abstract that the purpose of XTABLES is to bridge two different data representation formats, namely, XML and relational databases. The bridge is needed because Internet-based applications use XML for data-exchange, while (presumably) non-Internet-based applications still use relational database technology. Funderburk et al. states that XTABLES does nothing more, however, than provide two different representations of the same data.

More particularly, the XTABLES process disclosed by Funderburk et al. begins by creating "XML document views." The only purpose of an XML document view is to "store" XML documents. XML document views generated by XTABLES are *"nothing but XML views of relational data."* (Emphasis in the original.) See Funderburk et al., page 631, second column, third full paragraph. Funderburk et al. discloses that "views can be defined on top of views to achieve higher levels of <u>abstraction</u>" of the underlying data. See page 620, the full paragraph in col. 1. The purpose of abstractions, however, is to represent specifics. Indeed, rather than disclosing the present invention, Funderburk et al. teaches away from constructing a resource <u>independent</u> of an actual resource.

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Moreover, Funderburk et al. does not teach or suggest constructing a <u>virtual</u> resource. As
noted above, XTABLES creates views of <u>existing</u> relational data. Consequently, the views cannot
be "virtual."[2] If the underlying data did not exist, neither would the view: XTABLES would have
nothing from which to create the XML document view. By definition according to Funderburk et
al., an XML document view is a view of existing relational data. Funderburk et al. provides
solutions to problems limited to relational data and XML. The Office attempts to expand
Funderburk et al. beyond its disclosure in an improper application of hindsight reconstruction
based on Applicants' disclosure.

Therefore, Applicants submit that there are elements of the claimed invention that are not
taught or suggest by Funderburk et al. Therefore, the Examiner is respectfully requested to
withdraw this rejection.

III.   FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-37, all the claims presently
pending in the application, are patentably distinct over the prior art of record and are in condition
for allowance. The Examiner is respectfully requested to pass the above application to issue at the
earliest possible time.

Should the application to be other than in condition for allowance, the Examiner is
requested to contact the undersigned at the local telephone number listed below to discuss any
other changes deemed necessary in a <u>telephonic or personal interview</u>.

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[2] In this context, Applicants note that the term "virtual" as used in Funderburk et al. describes that the "conversion"
from relational data format to XML format is done 'virtually' — that is, without physically generating a copy of the
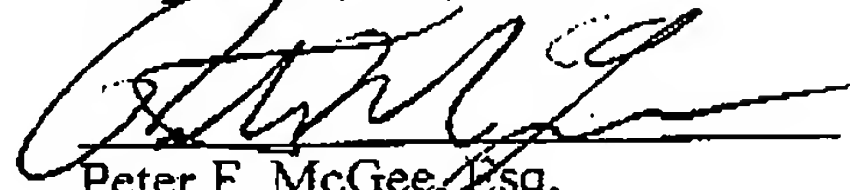data.

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.
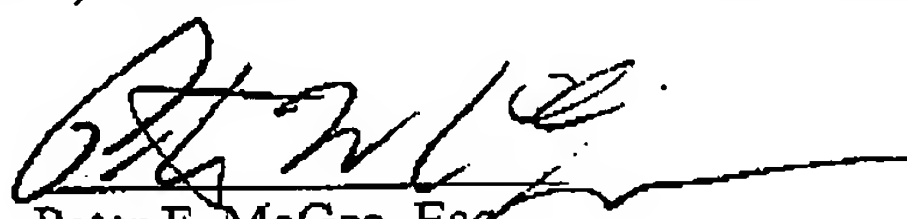
Respectfully Submitted,

Date: 20 November 2006

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Amendment After-Final Rejection Under 37 CFR §1.116 by facsimile with the United States Patent and Trademark Office to Examiner Farhan M. Syed, Group Art Unit 2165 at fax number (571) 273-8300 this 20th day of November, 2006.

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